



Entered on Docket  
December 01, 2009

Hon. Linda B. Riegler  
United States Bankruptcy Judge

WILLIAM W. HUCKINS, ESQ. (CA BAR NO. 201098)  
JAMES A. TIMKO, ESQ. (CA BAR NO. 220140)  
ALLEN MATKINS LECK GAMBLE MALLORY & NATSIS LLP  
1900 Main Street, Fifth Floor  
Irvine, California 92614-7321  
Phone: (949) 553-1313  
Fax: (949) 553-8354  
Email: whuckins@allenmatkins.com  
jtimko@allenmatkins.com

AMBRISH S. SIDHU, ESQ. (NEVADA BAR NO. 7516)  
SIDHU LAW FIRM, LLC  
810 S. Casino Center Blvd., Suite 104  
Las Vegas, Nevada 89101  
Phone: (702) 384-4436  
Fax: (702) 384-4437  
Email: asidhu@sidhulawfirm.com

Attorneys for Creditor  
AMTRUST BANK

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA, LAS VEGAS DIVISION

In re  
USA COMMERCIAL MORTGAGE  
COMPANY,  
Debtor.

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR  
Case No. BK-S-06-10729-LBR

Chapter 11

USA CAPITAL REALTY ADVISORS, LLC,  
Debtor.

Jointly Administered Under  
Case No. BK-S-06-10725-LBR

**ORDER GRANTING MOTION FOR  
RELIEF FROM THE AUTOMATIC STAY**

USA CAPITAL DIVERSIFIED TRUST DEED  
FUND, LLC,

Date: November 13, 2009  
Time: 9:30 a.m.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Debtor.

USA CAPITAL FIRST TRUST DEED FUND,  
LLC,

Debtor.

USA SECURITIES, LLC,

Debtor.

## AFFECTS:

☐ All Debtors  
☒ USA Commercial Mortgage Company  
☐ USA Capital Realty Advisors, LLC  
☐ USA Capital Diversified Trust Deed  
 Fund, LLC  
☐ USA Securities, LLC.

Place: Courtroom 1  
 Foley Federal Building  
 300 Las Vegas Blvd., South  
 Las Vegas, Nevada

The Motion for Relief from the Automatic Stay (the "Motion") filed by AmTrust Bank ("AmTrust") for entry of an order (i) determining that the automatic stay imposed by 11 U.S.C. section 362 does not apply with respect to AmTrust's interest in that certain real property located in the City of Temecula, County of Riverside, State of California, more particularly described in the Motion and in Exhibit "A" attached hereto (the "Property"), or, in the alternative, (ii) granting AmTrust relief from the automatic stay, came on for hearing before this Court on November 13, 2009, the Honorable Linda B. Riegle, presiding. Appearances were as noted on the record.

The Court having reviewed and considered the Motion, the papers filed in support thereof, and the statements and argument presented by the parties who appeared at the hearing, no opposition or other papers having been filed in response to the Motion, for the reasons stated by the Court on the record at the hearing, and good cause appearing therefore,

IT IS HEREBY ORDERED that the Motion is GRANTED;

IT IS FURTHER ORDERED that the automatic stay imposed by 11 U.S.C. section 362 is hereby terminated and vacated and AmTrust may assert and exercise any and all of its rights and remedies under its loan documents, deed of trust and applicable law, including foreclosure, against

1 the Property, AmTrust's interest in the Project (as defined in the Motion), and AmTrust's interest  
2 in any other property or assets under the loan documents;

3 IT IS FURTHER ORDERED that this Order shall be binding upon all successors and  
4 assigns of Debtor USA Commercial Mortgage Company (the "Debtor") and the Debtor's estate;  
5 and

6 IT IS FURTHER ORDERED that this Order shall be effective immediately upon entry and  
7 shall not be subject to any stay imposed by Rule 4001(a)(3) of the Federal Rules of Bankruptcy  
8 Procedure.

9 **IT IS SO ORDERED.**

10 PREPARED AND SUBMITTED BY:

11 WILLIAM W. HUCKINS, ESQ. (CA BAR NO. 201098)  
12 JAMES A. TIMKO, ESQ. (CA BAR NO. 220140)  
13 ALLEN MATKINS LECK GAMBLE MALLORY &  
14 NATSIS LLP  
15 1900 Main Street, Fifth Floor  
Irvine, California 92614-7321  
Phone: (949) 553-1313  
Fax: (949) 553-8354

16 SIDHU LAW FIRM, LLC

17  
18 By: /s/ Ambrish S. Sidhu  
19 Ambrish S. Sidhu, Esq.  
20 Nevada Bar No. 7516  
810 S. Casino Center Blvd., Suite 104  
21 Las Vegas, Nevada 89101  
*Attorneys for Creditor AMTRUST BANK*

**LR 9021 CERTIFICATION**

In accordance with LR 9021, counsel submitting this document certifies as follows (check one):

☐ The court has waived the requirement of approval under LR 9021.

☒ No parties appeared or filed written objections, and there is no trustee appointed in the case.

☐ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below:

No Appearances

No Response

###